c.f 10 cases (5)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 1487 OF 2001

BETWEEN

Smt. Meena Purohit Wife of Shri Lt.Dr. S.S.Agrawal, aged about 37 years, resident of Professors Colony, Banaras Road, Ambikapur District Sarguja.

PETITIONER

A N D

1. The State of Chhattisgarh, through the Secretary Department of School Education, D.K.S. Mantralay, Raipur.

2. The Secretary, Department of Tribal Welfare State of Chhattisgarh, D.K.S.Building, Raipur.

3. Principal, Girls Government Girls Shiksha Parishad, Ambikapur District Sarguja.

4. The Commissioner, Aadim Jati , Anusuchit Jan Jati Pichada Varg Evam Alapsankhayak Kalyan Vibhag Raipur.

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

No. 1366/U
Presented by Shri Rajesh Verma, Adv.
Dated 14-8-01

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(96)

आदेश-पत्रक

W.P No. 1487/01

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

20-7-04

Shri Somnath Verma, Advocate for the petitioner.

Shri Yashwant Singh, G.A. for the State.

None for the intervenors.

Heard.

The petitioner is serving as lecturer. She was posted at Ambikapur in Chemistry department and she was transferred as per Annexure P-6 dated 18-7-2001 from Ambikapur Sarguja to Shankargarh, Sarguja. Her name appeared at Sr. No. 21. She filed the writ petition and this Court passed an order dated 20-8-2001 directing her to file representation within 7 days and the representation was directed to be decided within 15 days, till then the impugned order in respect of the petitioner was stayed. The counsel for the petitioner submits that she filed the representation which was decided as per Annexure P-11 dated 1-7-2003 and she was again posted at Ambikapur. Her grievance therefore was redressed.

The counsel for petitioner submits that again as per Anenxure P-12, the order dated 1-7-2003 Annexure P-11 was cancelled, as the two persons were posted on single post of Chemistry department. The petitioner however did not challenge this order by way of any amendment in the writ

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

petition and the relief clause remains as it is. Stay was however granted. Somehow or the other, she has been allowed to continue to work at Ambikapur as per Order dated 20-8-2001 passed by this Court. The stay was granted till consideration of the representation. Be that as it may, now more than 2 years and 11 months have passed and the petitioner has continued.

In this connection, it is useful to refer a decision of the Hon'ble Apex Court in the case of State of U.P. and others –v- Gobardhan Lal reported in 2004 AIR SCW 2082. In para 9 of the aforesaid judgment, it has been held as under:-

> "9. A challenge to an order of transfer should normally be eschewed and should not be countenanced by the Courts or Tribunals as though they are Appellate Authorities over such orders, which could assess the niceties of the administrative needs and requirements of the situation concerned. This is for the reason that Courts or Tribunals cannot substitute their own decisions in the matter of transfer for that of competent authorities of the State and even allegations of mala fides when made must be such as to inspire confidence in the Court or are based on concrete materials and ought not to be entertained on the mere making of it or on consideration borne out of conjectures or surmises and except for strong and convincing reasons, no interference could ordinarily be made with an order of transfer."

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आदेश पत्रक

मामला क्रमांक W.P.No. 1487/2001 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Counsel for the petitioner submits that the petitioner may be allowed to make a representation. The State counsel has no objection. Having considered the facts and circumstances of the case and material on record, in the ends of justice it is directed that the petitioner may make a detailed representation within 15 days from today before the competent authority and if such a representation is filed, the same shall be considered and decided as early as possible preferably within a month thereafter in accordance with law. With this observation, the petition is disposed of. **Sd/-** **Fakhruddin** **Judge**	

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